



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, MARCH 19, 2020**

The regular meeting of the Benbrook City Council was held on March 19, 2020 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor  
Renee Franklin  
Larry Marshall  
Dustin Phillips  
Jim Wilson  
Laura Mackey  
Jason Ward

Also Present:

Jim Hinderaker, Assistant City Manager  
Joanna King, City Secretary  
Rick Overgaard, Finance Director  
Bennett Howell, Public Services Director  
Beth Fischer, Deputy City Secretary

Citizens Present:

Bill Smith

**I. CALL TO ORDER**

Meeting called to order at 7:30 p. m. by Mayor Jerry Dittrich.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation given by Mayor Pro-Tem Larry Marshall  
The Pledge of Allegiance was recited.

**III. CITIZEN COMMENTS ON ANY AGENDA ITEM**

#### **IV. MINUTES**

##### **1. Minutes of the regular meeting held February 20, 2020**

Motion by Dr. Marshall, seconded by Ms. Mackey to approve the minutes of the regular meeting held February 20, 2020.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Ward

Noes: None

Motion carried unanimously.

#### **V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**

##### **CC-2020-05 Resolution supporting 2020 Census**

Motion by Mr. Phillips, seconded by Mr. Ward to adopt Resolution No. 2020-01 supporting the participation in the 2020 Census.

Vote on the Motion:

Ayes: Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Ward, Ms. Franklin

Noes: None

Motion carried unanimously.

Resolution No. 2020-01 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS TO SUPPORT PARTICIPATION IN THE 2020 CENSUS.”**

**CC-2020-06 Extension of Official Order signed on March 16, 2020 by the Mayor of Benbrook, Texas under Texas Government Code Section 418.108 declaring a local disaster due to the virus that causes 2019 Coronavirus disease (COVID-19) – Addendum to Agenda**

Councilmember Jim Wilson read the following Resolution:

## **A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, PROCLAIMING THE CONTINUED AUTHORIZATION OF DECLARATION OF LOCAL DISASTER**

**WHEREAS**, on March 16, 2020, pursuant to powers authorized by Section 418.108(a) of the Texas Government Code, Jerry B. Dittrich, Mayor of the City of Benbrook, in response to the public health emergency posed by COVID-19, signed a Declaration of Local Disaster; and

**WHEREAS**, said Declaration of Local Disaster was determined necessary to combat the imminent threat of disaster, thus requiring extraordinary measures to be taken to prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those who could be infected or impacted by COVID-19, and to protect or rehabilitate property; and

**WHEREAS**, on March 19, 2020, Jerry B. Dittrich, Mayor of City of Benbrook, signed the First Amended Declaration of Local Disaster, stipulating said declaration adopted all existing and subsequent Declarations of Disaster or similar orders as may be applicable, as issued by Tarrant County, the State of Texas, and the United States of America; and

**WHEREAS**, in accordance with Section 418.108(b) of the Texas Government Code, a declaration of local disaster may not be continued or renewed for a period of more than seven days, except with the consent of the governing body of the political subdivision or the joint board, as provided by Subsection (e) of said Code, as applicable; and

**WHEREAS**, the duly elected members of the Benbrook City Council find that the public health emergency posed by COVID-19 continues and is becoming more widespread.

**NOW THEREFORE, BE IT RESOLVED**, that the Benbrook City Council does hereby order and proclaim that the First Amended Declaration of Local Disaster signed by Jerry B. Dittrich, Mayor of the City of Benbrook, on March 19, 2020, remain in effect as allowed by law, or until such time as may be terminated by future action of this Body.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Resolution 2020-04.

Vote on the Motion:

Ayes: Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall

Noes: None

Motion carried unanimously.

Resolution 2020-04 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, PROCLAIMING THE CONTINUED AUTHORIZATION OF DECLARATION OF LOCAL DISASTER.”**

**VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**

**PZ-2020-02 ZTA-20-01**

**Adopt Ordinance updating the Benbrook Comprehensive Plan**

Jim Hinderaker gave the following report: In April 2018, City Council established the Benbrook Blvd. Corridor Overlay District. The zoning overlay restricted commercial land uses deemed incompatible with desired new development and redevelopment.

Unfortunately, during the 86<sup>th</sup> Texas State Legislative Session, the legislature passed HB 2439 effectively removing municipal authority to regulate exterior building materials and aesthetic methods, directly or indirectly. Because the city's architectural and aesthetic standards are no longer enforceable, staff recommends added minor auto service/repair to the list of prohibited uses within the Benbrook Boulevard Corridor Overlay District. This would include automatic car wash or car detailing.

Existing legal conforming land uses that are no longer legal conforming following adoption of the proposed ordinance will become legal non-conforming uses.

Mayor Dittrich opened the public hearing at 7:47 p.m.

No one spoke to the item.

Mayor Dittrich closed the public hearing at 7:48 p.m.

Motion by Mr. Wilson, seconded by Dr. Marshall to adopt Ordinance No. 1456 amending Title 17 of the Benbrook Municipal Code.

Vote on the Motion:

Ayes: Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall, Mr. Phillips

Noes: None

Motion carried unanimously.

Ordinance No. 1456 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 17 – ZONING OF THE BENBROOK MUNICIPAL CODE, AS**

**AMENDED, BY AMENDING CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. “**

## **SECTION 6 PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 11 EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

## **VII. REPORTS FROM CITY MANAGER**

### **A. GENERAL**

#### **G-2457      Adopt Resolution authorizing participation in Texas Coalition for Affordable Power (TCAP) Strategic Hedging Program (SHP)**

Rick Overgaard gave the following report: The City of Benbrook is a member of the Texas Coalition for Affordable Power, Inc. (TCAP), a nonprofit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 and is governed by a 15-member board of directors, all of whom must be city employees or elected city officials.

In addition to assisting with regulatory issues, TCAP negotiates the purchase of wholesale electricity on behalf of its member political subdivisions. The collective (and significant) electricity consumption of the coalition leverages superior pricing compared to individual political subdivisions seeking market pricing on their own.

The TCAP Board and its consultants have developed a new procurement strategy known as the Strategic Hedging Program (SHP). Under the program, TCAP will purchase power two years in advance of delivery on behalf of its members via a series of monthly competitive auctions. This creates greater

flexibility and optionality in addressing market volatility and lower prices. SHP should eliminate risk premiums associated with multi-year power contracts, and therefore, result in prices that are never “out-of-market.” Also, SHP allows the opportunity on an annual basis to switch to a fixed-price, fixed-term agreement like the current contract. Power purchases will commence next January 2021 for consumption to begin January 2023.

Even though TCAP will go out to the wholesale market for energy purchases, Texas Law requires that TCAP use a retail electric provider (REP) for billing services. Gexa Energy was chosen by the TCAP Board through an RFP process for that function. Gexa Energy has no role in the wholesale energy procurement process.

City Council must adopt a resolution that authorizes participation in TCAP’s future procurement process. The resolution authorizes the City Manager to sign two agreements necessary for participation in SHP. The first is a Professional Services Agreement (“PSA”) which authorizes TCAP to purchase power for TCAP members and defines services provided by TCAP to members. The second is a Commercial Electric Services Agreement (“CESA”) that facilitates the SHP relationship between TCAP members and TCAP’s designated Retail Electric Provider (“REP”).

Motion by Ms. Franklin, seconded by Mr. Ward to adopt Resolution No. 2020-02 authorizing participation in the Strategic Hedging Program by entering into Texas Coalition for Affordable Power Professional Services Agreement and GEXA Energy’s Commercial Electric Services Agreement for power to be provided on and after January 1, 2023.

Vote on the Motion:

Ayes: Mr. Wilson, Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich

Noes: None

Motion carried unanimously.

Resolution No. 2020-02 being **“RESOLUTION OF THE CITY OF BENBROOK, TEXAS ADOPTING TCAP’S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY’S COMMERCIAL ELECTRIC SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023”**

**G-2458      Accept finance report for period ending February 29, 2020**

Rick Overgaard gave the following report: General Fund revenues for the month of February were \$2,297,400. Major revenues collected for the month include Property taxes of \$1,577,772, Franchise taxes of \$171,174, Fines and Forfeitures of \$84,574, Charges for Services of \$65,576, and Other Agencies of \$115,513. Sales tax collected and recognized as revenue in February was \$241,710. Fiscal year to date sales tax is 16.09% greater than last year at this time. General Fund revenues collected through the end of February were \$15,147,249 and 71.9% of the budget.

General Fund expenditures for the month of February were \$1,394,559. Fiscal year to date expenditures were \$8,438,871 and 40.1% of the adopted budget.

Total General Fund revenues of \$15,147,249 were greater than General Fund expenditures of \$8,438,871 by \$6,708,378.

Debt Service revenues for the month of February totaled \$55,413 and were all from property tax. Fiscal year to date revenues total \$1,526,252. There were no expenditures in February. The next debt services payments will be made the end of July. Total revenues of \$1,526,252 exceeded total expenditures of \$1,497,770 by \$28,482.

EDC revenues as of February 29, 2020, were \$729,327. EDC expenditures through the end of February were \$530,431. Total revenues exceeded total expenditures by \$198,896.

Total revenues received through February 29, 2020 were \$1,424,374 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,100,577 through the end of February. February expenditures included the following projects: Van Deman Road Drainage, Two Way Conversion, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$676,203. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On February 29, 2020, the City had \$22,503,137 invested at varying interest rates; the EDC had \$4,750,735 available.

Motion by Dr. Marshall, seconded by Ms. Franklin to accept the finance report for the period ending February 29, 2020.

Vote on the Motion:

Ayes: Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson

Noes: None

Motion carried unanimously.

**G-2459      Accept Comprehensive Annual Finance Report for fiscal year ended September 30, 2019**

Rick Overgaard gave the following report: An independent audit of the City's accounts and records has been made by the certified public accounting firm of Weaver & Tidwell L.L.P. for the fiscal year ending September 30, 2019.

The audited financial statements or Comprehensive Annual Financial Report (CAFR) includes the auditor's unmodified or "clean" opinion.

Financial Statements include:

- Government-wide statements – provide a broad long-term overview of the City's finances.
- Governmental fund statements – focuses on current sources and uses of spendable resources
- Notes – provide additional information to understanding the government-wide and governmental fund statements
- Required supplementary information

Financial Highlights include:

- The General Fund ending fund balance at September 30, 2019 was \$8,001,014 and \$356,642 greater than budgeted.
- General Fund expenditures were less than the original budget of \$29,334,179 by \$816,467 or 4.2%. The Public Safety Departments, who make up over half of the City's budget, accounted for nearly 52.5% of the savings, with Public Services 38.7% of the savings. The remaining savings resulted from a combined effort of nearly every department spending less than the budget allocations.
- At the end of the fiscal year, the City's governmental funds had a total fund balance of \$21,918,766.
- Net position increased \$2,657,774 during fiscal year 2018-2019 to a healthy \$64,773,873 at September 30, 2019.



Motion by Ms. Franklin, seconded by Mr. Phillips to accept the Comprehensive Annual Finance Report (CAFR) for the fiscal year ending September 30, 2019.

Vote on the Motion:

Ayes: Mr. Ward, Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey

Noes: None

Motion carried unanimously.

**G-2460      Adopt Resolution to participate in Tarrant County 2020 HOME program**

Bennett Howell gave the following report: The Department of Housing and Urban Development (HUD) appropriates funds to entitlement communities through the HOME Investment Partnership Block Grant (HOME) program. Tarrant County receives and administers the HOME funds on behalf of participating cities. The funds are targeted to benefit low-to-moderate income persons by providing rehabilitation for homeowner occupied, single-family dwellings. The rehabilitation program is managed by the Tarrant County Community Development (TCCD) office and individual residents work directly with TCCD.

HUD requires communities to provide a 30% match for all HOME expenditures. Benbrook is required to submit a letter and City Council resolution affirming the match as part of the application.

The maximum amount that can be spent on one house is \$ 24,000 and Benbrook's match is 7,200.

Benbrook is requesting HOME funding of \$50,000 with a City match of \$15,000. The City match was approved in the FY 2019/20 budget.

Motion by Dr. Marshall, seconded by Ms. Mackey adopt Resolution No. 2020-03 to participate in Tarrant County's 2020 HOME program.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Ward

Noes: None

Motion carried unanimously.

Resolution No. 2020-03 being **“A RESOLUTION AUTHORIZING PARTICIPATION IN TARRANT COUNTY’S HOME INVESTMENT PARTNERSHIP PROGRAM; AND AGREEING TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIPS PROGRAM FOR PROGRAM YEAR 2020”**

**VIII. INFORMAL CITIZEN COMMENTS**

**IX. COUNCIL MEMBER AND STAFF COMMENTS**

**X. ADJOURNMENT**

Meeting adjourned at 8:05 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**